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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,532	09/16/2003	Masami Koide	242840US2	1695

22850 7590 02/09/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
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EXAMINER
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NANO, SARGON N

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/662,532	KOIDE ET AL.	
	Examiner	Art Unit	
	Sargon N. Nano	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/05, 10/06, 1/07</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to application filed on Sep. 16, 2007. Claims 1 – 31 are pending examination.

#### ***Claim Objections***

Claim 19 is objected to because of the following informalities: the claim recites the limitation “ the apparatuses” on line 6 . It is not clear which apparatus is in communication with the computer. Examiner suggests substituting “apparatuses “ with “ said plurality of apparatuses”. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 – 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

#### **MPEP 2106 IV.B.2.(b)**

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

Claims 1 - 31, in view of the above cited MPEP sections, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Butler U. S. Patent No. 7,167,182.

Butler teaches scalable multiparty conferencing and collaboration system and method utilizing an enhanced application sharing protocol (see abstract).

As to claim 1, Butler teaches a data communication method for exchanging data among a plurality of computers which are mutually coupled via a network, each of the computers comprising a program which causes the computer to have a communicating function to transmit and receive data to and from one or more other computers, a data

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processing function to process data which are transmitted and received, and an output function to output data to an output section depending on a process of the data processing function, said data communication method comprising:

a storing step to store data received by the communicating function by the data processing function in one computer when receiving data from one or more other computers by the communicating function (see col. 2 lines 5 - 26 and col.4 lines 34 - 65 and fig. 2A, Butler discloses a collaboration and conference system in a network where a number of simultaneous users can participate in an online conference where users are capable of viewing and sharing data); and

a mode judging step to judge whether or not to output the received data to the output function of said one computer depending on a mode attribute of the received data and a communication mode of said one computer (see col. 11 lines 38 - 48, Butler discloses if the node is indicated as active the UI applet displays that data that is received).

As to claim 2, Butler teaches the data communication method as claimed in claim 1, further comprising:

a public mode receiving step to immediately output the received data to the output function of said one computer when said mode judging step judges that the mode attribute of the received data indicates a public mode and said one computer is in the public mode (see col. 2 lines 27 - 64); and

a local mode receiving step which does not output the received data to the output function of said one computer when said mode judging step judges that the mode

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attribute of the received data indicates the public mode but said one computer is in a local mode (see col. 2 lines 5 – 26).

As to claim 3, Butler teaches the data communication method as claimed in claim 2, wherein each of the computers has a private mode in which data is exchanged between specific computers coupled to the network, said data communication method further comprising:

a private mode receiving step which does not output the received data to the output function of said one computer when said mode judging step judges that the mode attribute of the received data indicates the public mode but said one computer is in the private mode (see col. 4 lines 47 – 66).

As to claim 4, Butler teaches the data communication method as claimed in claim 1, wherein each of the computers exchanges data related to content information using an encapsulated document, said encapsulated document comprising a program code file related to the communicating function, the data processing function and the output function which are analyzed and executed by each of the computers and a content information file related to substance data of a document, which files are encapsulated as a single document (see col. 14, lines 47 – 66).

As to claim 5, Butler teaches the data communication method as claimed in claim 1, wherein each of the computers comprises a program which causes the computer to have an operation information acquiring function to acquire operation information related to a user operation, and the data transmitted and received by the

communicating function includes the operation information acquired by the operation information acquiring function (see col. 11 lines 1 – 18).

As to claim 6, Butler teaches the data communication method as claimed in claim 5, further comprising:

a public mode transmitting step to continuously transmit the operation information to the communicating function as public information in response to acquisition of the operation information by the operation information acquiring function of said one computer in a public mode, when said one computer transmits data to another computer by the communicating function (see col.16 lines 16 – 41).

As to claim 7, Butler teaches the data communication method as claimed in claim 1, further comprising:

a local mode transmitting step to prohibit transmission of data from said one computer in a local mode (see col. 11 lines 33 – 48).

As to claim 8, Butler teaches the data communication method as claimed in claim 3, further comprising:

a private mode switching step to automatically switch the communication mode of said one computer to the private mode when the communicating function of said one computer receives data unicasted from another computer (see col. 4 line 66 – col. 5 line 15).

As to claim 9, Butler teaches the data communication method as claimed in claim 3, further comprising:

a private mode switching step to automatically switch the communication mode of said one computer to the private mode when the communicating function of said one computer transmits data to a specific computer (see col. 8 line 60 – col. 9 line 5).

As to claim 10, Butler teaches the data communication method as claimed in claim 5, further comprising:

a data transmission waiting step to wait transmission of data in a private mode until the operation information acquiring function of said one computer acquires the operation information for transmitting the data to a specific computer (see col. 11 lines 1 – 18).

As to claim 11, Butler teaches the data communication method as claimed in claim 5, wherein each of the computers comprises a program which causes the computer to have a mode selecting function to switch the communication mode to a selected communication mode by accepting a user operation, and said mode judging step judges the communication mode of said one computer based on the selected communication mode accepted by the mode selecting function of said one computer (see col. 11 lines 33 – 48).

As to claim 12, Butler teaches the data communication method as claimed in claim 11, further comprising:

a mode switching step to switch the communication mode of said one computer to the selected communication mode after storing the data output to the output section at a time when the user operation is made, if the operation information acquiring



function of said one computer acquires the operation information related to switching of the communication mode by the mode selecting function (see col. 11 lines 33 – 48).

As to claim 13, Butler teaches the data communication method as claimed in claim 11, further comprising:

a switching time output control step to refer to newest data stored for the selected communication mode and to output the newest data to the output section by the output function of said one computer, when switching the communication mode to the selected communication mode by the mode selecting function of said one computer after the operation information acquiring function of said one computer acquires the operation information related to the switching of the communication mode to the selected communication mode (see col. 11 lines 33 – 48).

As to claim 14, Butler teaches the data communication method as claimed in claim 11, further comprising:

an information request command transmitting step to transmit, using the communicating function of said one computer, an information request command which requests newest data for a public mode with respect to a program running on another computer, if the operation information acquiring function of said one computer acquires operation information related to the switching of the communication mode to the public mode by the mode selecting function of said one computer (see col. 11 lines 33 – 48).

As to claim 15, Butler teaches the data communication method as claimed in claim 14, wherein said information request command transmitting step determines the computer at a transmitting destination where the information request command is to be

transmitted, by selecting the computer from a list of communicatable computers held by said one computer (see col. 13 lines 50 - col. 14 line 19).

As to claim 16, Butler teaches the data communication method as claimed in claim 15, further comprising:

a first substituting step to refer to newest data for the public mode held in said one computer and to output the newest data to the output section by the output function of said one computer, if the list includes no computer to which the information request command is to be transmitted (see col. 13 lines 50 - col. 14 line 19).

As to claim 17, Butler teaches the data communication method as claimed in claim 16, further comprising:

a second substituting step to refer to newest data for a local mode held in said one computer and to output the newest data to the output section by the output function of said one computer, if the list includes no computer to which the information request command is to be transmitted and the newest data for the public mode is not held in said one computer (see col. 13 lines 50 - col. 14 line 19).

As to claim 18, Butler teaches the data communication method as claimed in claim 15, further comprising:

an information request command responding step to transmit the newest data for the public mode stored in said one computer using the communicating function of said one computer, with respect to another computer at a transmitting source of

the information request command, if the communicating function of said one computer receives the information request command (see col. 11 lines 33 – 48).

As to claim 19, Butler teaches a data communication apparatus for exchanging data with a plurality of apparatuses via a network, comprising:

a computer comprising a program which causes the computer to have a communicating function to transmit and receive data to and from the apparatuses, a data processing function to process data which are transmitted and received, and an output function to output data to an output section depending on a process of the data processing function (see col. 4 lines 34 – 65 and fig. 2A);

a storing section to store data received by the communicating function by the data processing function when receiving data from one of the apparatuses by the communicating function (see col. 2 lines 5 – 26);

and a mode judging section to judge whether or not to output the received data to the output function depending on a mode attribute of the received data and a communication mode of said data communication apparatus (see col. 11 lines 38 – 48).

As to claim 20, Butler teaches the data communication apparatus as claimed in claim 19, further comprising:

a public mode receiving section to immediately output the received data to the output function when is said mode judging section judges that the mode attribute of the received data indicates a public mode and said data communication apparatus is in the public mode (see col. 2 lines 27 – 64); and

a local mode receiving section which does not output the received data to the output function when said mode judging section judges that the mode attribute of the received data indicates the public mode but said data communication apparatus is in a local mode (see col. 2 lines 5 – 26).

As to claim 21, Butler teaches the data communication apparatus as claimed in claim 20, which has a private mode in which data is exchanged with a specific apparatus coupled to the network, said data communication apparatus further comprising:

a private mode receiving section which does not output the received data to the output function when said mode judging section judges that the mode attribute of the received data indicates the public mode but said data communication apparatus is in the private mode (see col. 4 line 66 – col. 5 line 15).

As to claim 22, Butler teaches the data communication apparatus as claimed in claim 19, which exchange with the apparatuses data related to content information using an encapsulated document, said encapsulated document comprising a program code file related to the communicating function, the data processing function and the output function which are analyzed and executed by said data communication apparatus and the apparatuses and a content information file related to substance data of a document, which files are encapsulated as a single document (see col. 13 line 50 – col. 14 line 19).

As to claim 23, Butler teaches the data communication apparatus as claimed in claim 18, further comprising:

a list displaying section to display a list of operation records for each communication mode (see col. 13 line 50 – col. 14 line 19).

As to claim 24, Butler teaches the data communication apparatus as claimed in claim 19, further comprising:

a past data inspecting section to enable looking back at operation information related to the data communication apparatus, transmitted and received data in a public mode, and transmitted and received data in a private mode, based on the stored data, at any time during the local mode (see col. 13 line 50 – col. 14 line 19).

As to claim 25, Butler teaches Butler teaches a data communication system for exchanging data among a plurality of computers which are mutually coupled via a network, each of the computers comprising a program which causes the computer to have a communicating function to transmit and receive data to and from one or more other computers, a data processing function to process data which are transmitted and received, and an output function to output data to an output section depending on a process of the data processing function, each one of the computers receiving data by the communicating function comprising:

a storing section to store data received by the communicating function by the data processing function (see col. 2 lines 5 - 26); and

a mode judging section to judge whether or not to output the received data to the output function of said one computer depending on a mode attribute of the received data and a communication mode of said one computer (see col. 11 lines 38 – 48).

As to claim 26, Butler teaches the data communication system as claimed in claim 25, further comprising:

a public mode receiving section to immediately output the received data to the output function of said one computer when said mode judging section judges that the mode attribute of the received data indicates a public mode and said one computer is in the public mode (see col. 2 lines 27 – 64); and

a local mode receiving section which does not output the received data to the output function of said one computer when said mode judging section judges that the mode attribute of the received data indicates the public mode but said one computer is in a local mode (see col. 2 lines 27 – 64).

As to claim 27, Butler teaches the data communication system as claimed in claim 26, wherein each of the computers has a private mode in which data is exchanged between specific computers coupled to the network, said one computer further comprising:

a private mode receiving section which does not output the received data to the output function of said one computer when said mode judging section judges that the mode attribute of the received data indicates the public mode but said one computer is in the private mode (see col. 4 line 66 – col. 5 line 15).

As to claim 28, Butler teaches the data communication system as claimed in claim 25, wherein each of the computers exchanges data related to content information using an encapsulated document, said encapsulated document comprising a program code file related to the communicating function, the data processing function and the

output function which are analyzed and executed by each of the computers and a content information file related to substance data of a document, which files are encapsulated as a single document (see col. 4 lines 34 – 65).

As to claim 29, Butler teaches a computer-readable storage medium which stores a program for causing a computer to exchange data with a plurality of other computers which are mutually coupled via a network, said program causing the computer to comprise:

- a communicating function to transmit and receive data to and from one or more other computers (see col. 4 lines 34 – 65);

- a data processing function to process data which are transmitted and received; an output function to output data to an output section depending on a process of the data processing function (see col. 2 lines 5 – 26);

- a storing function to store data received by the communicating function by the data processing function when receiving data from one or more other computers by the communicating function (see col. 2 lines 5 – 26); and

- a mode judging function to judge whether or not to output the received data to the output function depending on a mode attribute of the received data and a communication mode of the computer (see col. 11 lines 38 – 48).

As to claim 30, Butler teaches the computer-readable storage medium as claimed in claim 29, wherein said program further causes the computer to comprise:

- a public mode receiving function to immediately output the received data to the output function when said mode judging function judges that the mode attribute of the

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received data indicates a public mode and the computer is in the public mode (see col. 2 lines 27 – 64); and

a local mode receiving function which does not output the received data to the output function when said mode judging function judges that the mode attribute of the received data indicates the public mode but the computer is in a local mode (see col. 2 lines 5 – 26).

As to claim 31, Butler teaches the computer-readable storage medium as claimed in claim 30, wherein each of the computers has a private mode in which data is exchanged between specific computers coupled to the network, said program further causing the computer to comprise: a private mode receiving function which does not output the received data to the output function when said mode judging function judges that the mode attribute of the received data indicates the public mode but the computer is in the private mode (see col. 4 line 66 – col. 5 line 15).

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

### ***Conclusion***



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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sargon Nano  
Jan. 31, 2007

  
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